

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator
Michael Martin Bell, KIM MARIE
BELL, MICHAEL MARTIN BELL, and
SHANTAE BELL,

Plaintiffs,

vs.

Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT, CITY OF
KENOSHA,

Defendants.

DEPOSITION OF: FRANCIS CLARK
TAKEN AT: MADRIGRANO, ZIEVERS, AIELLO, MARRY & DOWSE
LOCATED AT: 1108 56th Street
Kenosha, Wisconsin

June 6, 2007

2:20 p.m. to 3:50 p.m.

REPORTED BY: VICKY L. ST. GEORGE, RMR.

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1 A. Yes.

2 Q. I'm going to read this into the record, quote: I saw
3 this third officer pull out his gun as he ran towards
4 Michael and the other two officers. This third
5 officer went in between these other two officers, and
6 it was a matter of seconds when I heard one single
7 gunshot, and I saw a fourth officer come over the top
8 of the north side fence, close quote.

9 First of all, did I read that correctly?

10 A. Yes.

11 Q. Do you have any recollection of whether Detective
12 Ollila questioned you in anymore detail about what
13 this third officer did beyond what is recorded in
14 this statement?

15 A. Not that I recall, no.

16 Q. Has anyone from the Kenosha Police Department
17 contacted you since the November 11th statement that
18 you gave to Detective Ollila?

19 A. No.

20 Q. When this third officer went in between the other two
21 and then you heard the gunshot, was this third
22 officer on the right side of Michael Bell?

23 A. He was in the middle, came directly up over his back.

24 Q. Again, if you would look at Exhibit 100, would the
25 officer who fired the single gunshot have been to the

1 right of the blue hoody and the MB initials that
2 you've made on that exhibit?

3 MR. REAK: I'll object to the form of the
4 question.

5 MR. DUNPHY: I'll rephrase the question.
6 Let's use another exhibit. It was marked earlier.
7 Exhibit No. 36.

8 BY MR. DUNPHY:

9 Q. Do you see the blue hoody in that photograph?

10 A. Yes.

11 Q. And do you see the initials DK in that photograph?

12 A. Yes.

13 Q. And you can see the driver side front wheel of the
14 Nissan?

15 A. Yes.

16 Q. As well as the hood of the Nissan, correct?

17 A. Yes.

18 Q. Was the office -- where was the officer who shot
19 Michael Bell in relation to any one of those three
20 identifiers at the time you heard the gunshot?

21 A. Directly in line with the initials DK and the wheel.

22 Q. When the officer -- when you heard the shot, was
23 there any officer standing in front of the Nissan?

24 A. Not that I recall.

25 Q. And the officer who ran around the back of the yard

1 that you described in the manner that you described
2 for us earlier, was that officer in front of the
3 Nissan at the time you heard the gunshot?

4 A. No.

5 (Exhibit 101 marked.)

6 BY MR. DUNPHY:

7 Q. I'm going to show you what we've marked as Exhibit
8 101 which is, again, is a color copy of a police
9 photograph that we have been provided by the Kenosha
10 Police Department. Do you recognize the blue garment
11 that's shown in Exhibit 101?

12 A. Yes.

13 Q. And is that the quote, hoody, close quote, that you
14 were describing earlier?

15 A. Yes.

16 (Exhibit 102 marked.)

17 BY MR. DUNPHY:

18 Q. I'm going to show you what is marked as Exhibit 102
19 which is again a copy of a police photo that we've
20 been provided by the Kenosha Police Department. Does
21 that show the hoody on Michael Bell?

22 A. Yes.

23 MR. DUNPHY: Off the record.

24 (Discussion off the record.)

25 BY MR. DUNPHY: